


CONFIRMATION QUESTIONS AND ANSWERS

PERSONAL

1. Why do you feel that you are qualified to assume the responsibilities of Director of Central Intelligence?
2. Do you see any potential conflict of interest in your serving as DCI and your holding any of your present financial interests?
3. If requested by this Committee, on the basis of conflict of interest, will you divest yourself of any assets?
4. Your predecessor has stated that the Director of CIA must be someone who has the trust and confidence of and direct access to the President. Do you feel that you have a solid working relationship with President  Carter and will have sufficient access to him?

RESPONSIBILITIES TO CONGRESS

5. What do you perceive to be your responsibilities to the Congress as Director of Central Intelligence if you are confirmed for that position?

It will be my policy to be as responsive as possible to the Congress.

I will respond to the best of my ability within whatever oversight framework the Congress considers suitable and seek to develop a good working relationship between the Congress and both the CIA and the Intelligence Community.

I recognize, for instance, that arrangements for budget authorization and review of Intelligence Community funding needs are still in the process of development, and I will work with the President's Committee on Foreign Intelligence, which I will chair, to assure that the Congress gets the kind of budget information that it requires.

I will also make every effort to meet congressional needs for substantive information, consistent with my responsibilities to the President and to the National Security Council for the provision of intelligence inputs on policy problems currently under consideration.

6. What is your view of the degree to which Congress should oversee intelligence activities?

Congress has far-reaching legislative oversight and appropriations responsibilities under the Constitution. Obviously, appropriate committees of Congress must have knowledge of intelligence activities so that they can exercise these fundamental responsibilities. I fully recognize this, and I am committed to working with Congress in this regard.

I think the American people want strong and effective congressional oversight that imposes clear accountability on intelligence organizations, while at the same time preserving the effectiveness of the U.S. foreign intelligence effort.

Because of the sensitivity of much of the information involved, I would hope that the Congress can see its way clear to concentrate its oversight activities to the extent feasible and eliminate any requirements that I provide the same sensitive information to a sizeable number of different committees.

7. What policy will you follow in providing information to the Congress and in keeping the Congress informed?

I clearly recognize that the Congress must be adequately informed in order to make proper and informed judgments in matters of legislation and oversight. Committees must acquire required information within their jurisdiction to carry out these responsibilities. Information provided by the Executive to the Congress which requires protection under statute or Executive order must, however, be handled accordingly by the Congress. Further, the Congress exercises its prerogative of nondisclosure through executive sessions and other closed meetings. Similarly, the Executive must exercise its prerogatives of nondisclosure in matters of executive privilege and clear statutory mandates.

I trust that an atmosphere of comity and understanding will allow a mutual resolution of this problem and avoid confrontations. The national interest must always be the paramount consideration.

8. What is your opinion as to the effectiveness of congressional oversight of CIA over the years?

The effectiveness of the congressional oversight is ultimately a matter for the Congress itself to judge. However, it appears to me that each House is now exercising conscientious and thorough oversight through designated committees.

9. Do you feel that CIA should have the authority to conduct covert activities abroad?

As I have said publicly several times since my nomination, in this somewhat ugly world we live in we cannot abolish the capacity to conduct covert actions altogether. The President, confronted with a foreign development which is a serious threat to important U.S. interests, should have a variety of capabilities for response. One of these capabilities, for use in extraordinary circumstances, should be covert action.

10. What would be your test to determine if a covert operation should be undertaken?

I believe it is necessary for the U.S. Government to maintain a covert action capability, but I would encourage the use of covert action only where vital American interests are involved. I would also argue for prior determinations that an overt program could not accomplish the same purpose, and that the covert operation had a high chance of success. I would also insure that the President was fully knowledgeable of the operation and supported it.



11. Would you explain to us the procedures that are followed under the provisions of Section 662 of the Foreign Assistance Act of 1961, as amended, with respect to so-called covert action?

Under Executive Order 11905, the Operations Advisory Group is charged with reviewing proposals for covert action. Upon the recommendation of the Group, a proposed covert action goes to the President for decision. If the President finds that the proposed activity is important to the national security, he can approve it. Where the activity involves a release of funds from the Agency's Reserve, OMB is notified and a withdrawal approved. After the President has made his finding, relevant committees are notified of a new finding; and at the committee's earliest convenience, the Director of Central Intelligence briefs them on a description and scope of the activity.

As you are aware, this currently involves briefing four Senate committees (Foreign Relations, Appropriations, Armed Services, and the Select Committee on Intelligence) and three House committees (Appropriations, Armed Services, and International Relations).

12. What role do you feel Congress should play in covert action?

I strongly believe that Congress should be kept advised of covert actions in a timely fashion through certain designated Members. This is what is now being done under Section 662 of the Foreign Assistance Act of 1961, as amended. I am not sure if the precise arrangements under that Section are entirely desirable, however.

Section 662 requires that the President personally certify to the Congress the need for all covert actions undertaken. Secretary-designate Vance has expressed his approval of this procedure. I would point out that in some instances, it may be harmful for the U.S. head of state to be so formally identified with such activities.

Moreover, Section 662 requires that covert actions be reported to seven committees of Congress, with a total of more than 55 Members. This may be more than is necessary, and perhaps this number could be reduced.

Finally, the Foreign Assistance Act is, in my view, an inappropriate place for this provision. It would be better to place covert action reporting requirements in the National Security Act.

Some of these suggestions have already been made by the Murphy Commission which recommended that Section 662 be amended to require reporting of covert actions to a Joint Committee on National Security, and to omit any requirement for the personal certification of the President as to their necessity.

ROLE OF THE DCI

13. What is the proper role of a secret intelligence organization in an open society?

Organizations which must operate in secret contravene the spirit of an open society to a degree, yet it is an inconsistency which nearly all Americans recognize as essential. It is one that is well established in the field of national defense, for example. The remedy to the inconsistency is to insure that intelligence agencies are accountable to the established institutions of Government. The agencies must act strictly within their charters, and cannot operate so as to abridge or in any way infringe on the constitutional rights of Americans.

14. What is your concept of your role as Director of Central Intelligence?  
Especially with respect to responsibilities to the so-called Intelligence  
Community? (See attached paper on "Role of DCI")

15. What is your concept of the objective of the CIA?

The intent of Congress in creating the Central Intelligence Agency was to establish a focal point in Government whereby intelligence from all producing agencies would be coordinated, correlated, evaluated, and disseminated to the upper echelons of Government for the formulation of national security policies. This centralization would assure that all information vital to the formulation of such policies was provided. Further, under the direction of the President and the National Security Council, the Agency would carry out such other duties as deemed necessary in the national interest.

The objective of the Agency is to meet national security requirements as fully effectively and efficiently as possible utilizing all intelligence assets and resources of Government. The Agency must be unaffected by any considerations which would in any way result in biased and unobjective intelligence reporting.

<sup>16</sup>  
IV. What are the strengths and weaknesses of E.O. 11905?

I think E.O. 11905 was a positive step. For the first time the respective authorities and responsibilities of the various intelligence agencies and departments have been delineated and clarified; provision has been made for strong central supervision and direction of intelligence activities by the DCI; strong internal and external oversight mechanisms have been established to assure that intelligence activities are proper and lawful; and detailed restrictions on intelligence activities have been spelled out in order to safeguard the civil liberties of the American people.

18. What relative roles should civilians and the military have in producing intelligence?

Both civilian agencies and military organizations have important roles in the intelligence process.

Generally speaking, the military forces have special intelligence requirements that are related to their operational missions. This means that the Department of Defense must have its own intelligence capability with respect to both collection and analysis of foreign military information relating to national defense.

Coordination mechanisms have evolved over the years to avoid unnecessary duplication and to assure full coverage.

The role of the President's Committee on Foreign Intelligence in developing the National Foreign Intelligence Program budget is an important element of the system, since the CFI reviews funding needs of all elements of the Intelligence Community.

Coordination process in the substantive area is probably most important in the production of National Intelligence Estimates. The positions in these estimates are those of the DCI; they are arrived at by a process, managed by my National Intelligence Officers, during which the positions of all civilian and military intelligence agencies are considered fully. When agreement cannot be reached on the position I judge to be the soundest, either civilian or military agencies may take exception in the estimate itself.

This process allows the policy makers to make their decisions based on national estimates which fully cover all sides of the issues involved. It is the best assurance that estimates are not slanted or biased either in favor of the military or the civilian agencies.

SECURITY

19. What is your position as to releasing the budget figures of CIA and the Intelligence Community?

I have expressed a personal view in favor of some kind of disclosure of budget figures. My predecessors, however, have been against publicizing the budget, and the weight of opinion in the Intelligence Community is still against budget disclosure. I would like time to analyze this problem further and assess what impact disclosure would have before committing myself to a particular course on this.



20. <sup>19</sup> Do you feel CIA classifies more information than needs to be classified. If so, what can be done to reduce the amount of information classified?

The issue has been a proper balance to assure that the public is informed and that national security is not endangered. As DCI, I will carefully review Intelligence Community programs to identify those activities which require continued protection and those areas where a broader disclosure will not be harmful. I understand that with the issuance of Executive Order 11652 regarding classification and declassification, the Agency has been able to reduce by 50 percent the number of materials classified. I will periodically assess classification procedures and strive toward the maximum dissemination possible consistent with national security.

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21. Should Government classification of information be governed by statute or Executive order? Why?

The essential point is that whatever classification system is adopted must afford sufficient protection for sensitive information. Under the National Security Act of 1947, the Director of Central Intelligence is made responsible for the protection of intelligence sources and methods. The continued success of our foreign collection programs rests on this protection. Executive orders and court decisions concerning secrecy have recognized this statutory responsibility and have granted the Agency a degree of latitude and flexibility to mold its security programs to assure the protection of intelligence sources and methods. Any statutory classification program must grant an equal degree of protection, and must be administratively workable.

22. Are CIA personnel overseas adequately protected? If not, what can be done by the Executive Branch to improve this situation? Do you support bills which have been introduced to provide criminal penalties for disclosure of information leading to the identification of CIA employees under cover?

I think it is important that the country protect the dedicated men and women it sends overseas to engage in foreign intelligence activities. If these people are to be effective, they usually must not be openly identified as intelligence personnel. I think there is much that both the Congress and the Executive Branch can do to improve the "cover" arrangements made for these people. For example, Congress might consider providing explicit statutory authority for the Director to make adequate "cover" arrangements.

The exposure of individuals involved in the foreign intelligence operations of the United States can seriously jeopardize their personal safety and the safety of their families and associates. Although the nation has already witnessed tragedy in this respect, groups and individuals within the United States, whose avowed purpose is to destroy the nation's foreign intelligence capability, are still attempting to discover and publish the identities of intelligence personnel. In my view, existing law is almost completely inadequate in deterring this kind of malicious act. I strongly support legislation that will strengthen existing law in this respect.

ABUSES

24. What is your position on past Agency practices such as assassination plots, mail intercept programs on U.S. mail, and drug testing on unsuspecting humans?

The previous management of CIA long ago determined that such practices were unacceptable, and clear instructions prohibiting such activities were issued prior to any outside disclosure or pressure. I support those decisions 100 percent, and will do all within my authority to insure that those programs are never resumed.

25. How will you insure that abuses that have cropped up in the past will not happen in the future? How will you make sure you will know what is going on?

Frankly, I do not think there is much danger of past abuses being repeated. Agency personnel are fully aware of the proper limits on domestic activities and have been directed to report any abuses that come to their attention. I have been impressed by the caliber and integrity of the people in the Agency whom I have met to date. Director Bush has publicly stated his own admiration and esteem for his colleagues at CIA.

I would note that the Agency itself identified and remedied its own abuses. In addition, new internal and external oversight mechanisms have been created by E. O. 11905. The roles of the Inspector General and the General Counsel have been expanded within the Agency. A civilian oversight board has been established outside the Agency. Also, E. O. 11905 has eliminated many of the "gray areas" by spelling out restrictions on intelligence activities.

There is no question that vigorous oversight and supervision are essential, but I think we must also recognize that there is a real danger of smothering initiative and incentive. I think a delicate balance has to be struck, and it will be my job to see that it is.

26. What would you do if the President asks you to carry out an order which you have reason to believe is illegal?

I am quite confident that days of improper requests to CIA are behind us. Previous improper requests created such a furor that I do not believe we will see any more. However, if asked to order CIA to do an improper act, I would first point out to the requester that the request was improper, and how it was so. I would attempt to obtain a retraction of the order and, if unsuccessful, would refuse to follow it. If it came down to carrying out the order or resigning, I would resign.

25.  
27. Are you in favor of making public the names of journalists, academics, or others who have cooperated with the CIA?

I believe that any American has the right to voluntarily cooperate with his Government. I do not, therefore, believe it would be proper for the Agency to release such names which might result in harassment of these individuals. I believe that it is a matter of individual privacy.

The Agency, of course, has already adopted a policy of not entering into any paid or contractual relation with any full-time news correspondent or string accredited by the U.S. news service, newspaper, periodical, radio or television network or station.

The Agency, on the other hand, has several kinds of relationships with scholars and academic institutions. These include paid and unpaid consultations between scholars and CIA research analysts, and contacts with persons who travel abroad.

They also include contracts, made only with the approval of a corporate officer of the institution, for scientific research and development work and for research in the social sciences on matters related to foreign affairs.

Such relationships should continue to be completely voluntary. I think it is entirely consistent with academic freedom and with the free search for truth for an individual to want to assist an agency of the Federal Government in providing the best possible assessments for the policymakers. We do not want to break important links between academia and the Government.

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28. Is the CIA cooperating with the House Select Committee on Assassinations?

CIA officials have had a number of meetings at Agency initiative with Mr. Sprague and others on his staff in order to explain our records systems to them and prepare for their investigation. Of course that Committee has not yet received its authorization for the 95th Congress, and also is not in a posture to receive classified material. Once these problems are resolved, it is our intent to cooperate completely, and the Agency has so informed the Committee.

It is my understanding that the Senate Select Committee on Intelligence has a Subcommittee on Assassinations, and that staff members have reviewed a substantial amount of CIA material. The Agency will also continue its cooperation with this Subcommittee.



27.

29. What are your views of public accounts of CIA activities in Micronesia?

It is my understanding that the Select Committee has scheduled executive session hearings on these press reports. It would not be appropriate for me to discuss this in open session.

30. There has been much recent discussion of activities of "friendly" foreign intelligence services in the U.S. Charges have been made that CIA allows these services a free hand in the U.S. in exchange for the privilege of unharassed CIA operations abroad. What is your view of the necessity of liaison arrangements and the propriety of permitting these groups to operate in the U.S., often against U.S. interests?

I have stated that I believe in the necessity of a strong intelligence capability. Significant information can often be obtained through liaison with friendly intelligence services, and I will support the practice of maintaining such liaison arrangements in consonance with American foreign policy aims and U.S. law. With regard to the question of operations of foreign intelligence agents in the U.S., regardless of the country they represent, this is an internal security matter, properly the preserve of the Justice Department and FBI. In my view, there can be no agreements made with any foreign intelligence services which violate U.S. laws.

29.  
-31. The Intelligence Community recently authorized a competitive team approach to preparation of the NIE on Soviet strategic forces, whereby a group of outside experts was assembled to evaluate all available intelligence and reach conclusions independently from those normally tasked with preparing such estimates. I understand the results of the two groups were quite different. What do you think of this competitive evaluation concept and do you think it would be usefully utilized for other estimates?

The competitive team approach was an innovative development in the preparation of National Intelligence Estimates. I hope to encourage innovative approaches in all areas of CIA's performance. The results of this participation of outsiders in the estimating process are to be reviewed by the National Security Council, and I would be reluctant to comment on the efficacy of the concept prior to the results of the full-scale review of this experiment.

Question: The GAO does not audit the expenditures of the CIA.  
32 Are you willing to allow GAO to conduct audits of CIA activities?

Answer: That is a question I will certainly look into. I am not thoroughly acquainted with the rules and procedures of the Congress pertaining to the control and distribution of GAO documents and reports, or the extent to which they are available to the membership and staffs. Any worthwhile GAO study would necessarily cover some very sensitive activities which would require careful protection. I have no preconceived ideas about it but, in principle, I should think something could be worked out with both Houses of the Congress whereby GAO documents and reports could be made available to the duly constituted oversight Committees within some mutually agreeable constraints.

31. Do you agree with Secretary of State-designate Vance that U.S. Ambassadors abroad should get anything they request from CIA Station Chiefs?

I fully support Presidential directives designating Ambassadors as Chiefs of the Country Team in their Embassies, to be kept as fully informed as possible. Station Chiefs have the duty to afford the most careful protection to their sources and activities. Should there ever be differences over what an Ambassador might be told, I would participate in the decision myself.

On Page 2 of your prepared statement, you state that at no time did you know of any plots to assassinate foreign leaders or subvert foreign governments nor any discussions or decisions concerning CIA covert actions. You sat in on National Security Council meetings and the Cuban Missile crisis, and other top level meetings. Was there never any discussion of CIA covert activities, even as options, at any of these meetings?

I can add nothing to my comments in my prepared statement on these matters.

Concerning the January 14, 1977 column in the New York Times by Mr. John Oakes, do you subscribe to the suggestion in that article that the CIA since it was founded has "frequently canted" its intelligence estimates?

As you know, there was a real question about this in the Kennedy White House in connection with the Bay of Pigs. Let me reiterate again to the committee that my pledge as DCI will be to insure that the Intelligence Community maintains the highest standards of integrity and objectivity possible, free from any biases.

How can you reconcile your former conscientious objector status with your responsibilities as head of an intelligence organization?

As Director I intend to serve to the utmost of my ability and will carry out fully my statutory responsibilities.

I believe that my service as a civilian for the Government from 1951 to 1964 including my participation on the National Security Council's Executive Committee during the Cuban Missile Crisis of 1962 attest to this commitment.



Do you approve of what Daniel Ellsberg did? Would you as head of CIA support those who leak classified information as a matter of conscience?

What action would you take as DCI if CIA employees leaked information?

I did feel that I had to agree with Ellsberg to submit an affidavit indicating that he did not commit a criminal act.

As DCI I would not tolerate the revelation of classified information by any unauthorized person.

Would you leak classified information if ordered to do so by President Carter, as you stated that you did on orders from President Kennedy?

I serve as DCI at the pleasure of the President and with the consent of the Senate. This is a sensitive question and involves presidential prerogatives. I can assure you, however, that if so requested to disclose foreign intelligence information I will assert my statutory responsibilities to protect any intelligence sources and methods involved.

In your testimony carried in the New York Times you stated your belief that Judges, Congress, and even citizens could make judgments about classification. How do you reconcile these views with your responsibilities as DCI?

I believe that the statement carries an implied rationale that given the facts ....

I am aware now as head of CIA that some classification is required. I stand on my earlier statements.

At the time of the Ellsberg disclosures, there was a national clamor against oversecrecy in Government and the need for an open debate on the critical issue of Vietnam.

I felt then as I do now, that there is overclassification in Government and that any judge, Member of Congress or informed citizen can make a judgment as to information which is clearly improperly classified. I would have hoped that the Ellsberg incident would have served to focus attention on the need to establish clear classification criteria and would have drastically reduced overclassification.

As DCI I will make it my firm policy to protect only that information which requires protection and to disclose as fully as possible information consistent with proper security safeguards.

Were you asked what position you would like in the new administration and if so did you suggest the position of DCI?

Concerning Chile, what was your role in or knowledge of US -sponsored covert operations to overthrow the existing Chilean government in 1963-64, which former ambassador Edward Korry alleges were "conceived by the Kennedy Administration and executed by the Johnson team? "

Do you belong to any organization, clubs etc. which have  
restricted membership?

Does your personal background and/or your former representation of prominent Middle Eastern leaders present any problems to you in terms of bias in judgment?

Have you or your firm ever represented a group or individual  
in litigation against the CIA?



To your knowledge, did any of your clients, personal or corporate, have any contact or connection with the CIA? If yes, does this present you with problems of conflict of interest?

Do you have any classified documents now in your possession?

As a staff aide to the President, did you sign any secrecy agreements requiring CIA's prior approval before publishing any classified information in your possession?

Were there any classified CIA documents in the material that you removed from the White House, and what was the level of classification?

Did you first check with anyone in CIA on the propriety of publishing classified information?

Did you sign any security agreements during your previous Government service?

Do you believe that you met the obligations of those agreements?

Please comment whether you perceive any problems of personal or professional conflict of interest or of personal bias arising from your legal representation of:

a. Leon Templesman & Son and its chief, Maurice Templesman, who we understand is a honorary counselor of Zaire, and whose business interests include prominent activities in South Africa, Zaire and some connection with Chile?

b. The government of Iran

This was a single negotiation in the fall of 1976 in which I was one of several of the law partners participating for the government of Iran with the Occidental Petroleum Company. It was not a personal relationship.

c. The government of Panama

d. The government of the Republic of the Congo (now Zaire)

e. Concerning Newfoundland, did your representation of Newfoundland involve you in any matters of controversy concerning fishing rights or lobster rights. (This might be of concern to Senator Hathaway of the SSCI and other New England senators.)

f. Egyptian President Anwar Sadat

In the fall of 1976, I represented Sadat in negotiations for publishing a book that he has written.

g. Northville Industrial Corporation (independent oil distributors, transshipment facilities in Bonaire, Netherlands, Antilles

h. Continental Grain Co.

i. General Motors Corporation

j. Kidder, Peabody (New York stockbrokers)

k. Lazard Freres

- l. Norton Simon, Inc.
- m. Warner Communications, Inc.
- n. Government of Sierra Leone
- o. Landor Associates
- p. Any other corporate or personal clients

All CIA employees take a polygraph interview when they enter on duty with the Agency. Would you volunteer to do the same?



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## ROUTING AND RECORD SHEET

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1. Richard Lehman  
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15.

The attached questions and answers were prepared by this office for Mr. Sorensen in his upcoming confirmation hearings before the Senate Select Committee on Intelligence. We would appreciate your comments by 3:00 p.m. today. Thank you.



Office of Legislative Counsel

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